



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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1732 #4
DA C

Applicants: Julious L. Willett et al.

Serial No.: 09/536,555

Filing Date: March 28, 2000

For: BIODEGRADABLE POLYMER
COMPOSITIONS, METHODS FOR
MAKING SAME AND ARTICLES
THEREFROM

PETITION UNDER 37 C.F.R. 1.137
TO REVIVE UNINTENTIONAL
ABANDONMENT OF
APPLICATION

RECEIVED

OCT 0 4 2001

OFFICE OF PETITIONS

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In accordance with 37 C.F.R. 1.137(b), the undersigned attorney petitions that the above-identified application be revived for unintentional abandonment of application. Enclosed is a check in the amount of \$1,370.00: \$1,240.00 for the fee required under 37 C.F.R. 1.17 (m) and \$130.00 for the fee required under 37 C.F.R. 1.16(e). The Commissioner is also authorized to charge any further fees that may be due to our Deposit Account No. 02-2712. The pertinent facts are as follows:

1. In connection with the above-identified application, Applicant filed a patent application by Express Mail on March 28, 2000 to the United States Patent and Trademark Office, a transmittal letter concerning a filing under 37 C.F.R. 1.53(b) and paid the U.S. basic national fee.

2. The United States Patent and Trademark Office mailed to Bliss McGlynn, P.C. on May 30, 2000, a "FILING RECEIPT" and "NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION" filed under 37 C.F.R. 1.53(b), Filing Date

CERTIFICATE OF MAILING: (37 C.F.R. 1.8) I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service with sufficient postage as First Class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231 on September 26, 2001, by Daniel H. Bliss

10/04/2001 BABRAHA1 00000111 022712 09536555

01 FC:141
02 FC:105

40.00 CH 1280.00 DP
90.00 DP

Granted, acknowledging the facts recited in Paragraph 1 and stating that the oath or declaration was missing the signature of one of the inventors, William M. Doane and that a surcharge for providing the same must be furnished by July 30, 2000 or with a petition for extension fees until November 30, 2000 to avoid abandonment.

3. When the Filing Receipt from the PTO was received in paragraph 2 above, the Notice to File Missing Parts of Nonprovisional Application was stapled to the back of the Filing Receipt and there was no indication that two different papers from the PTO were enclosed.

4. Because it was not obvious that the Notice to File Missing Parts of Nonprovisional Application was enclosed with the Filing Receipt, our secretary, Amy C. Wharfield, did not docket the due date of July 30, 2000 and filed the Filing Receipt with the attached Notice to File Missing Parts of Nonprovisional Application in the file, as evidenced by her statement in Exhibit A and a copy of the file jacket in Exhibit B.

5. Counsel for Applicants, Daniel H. Bliss, first became aware of the Notice to File Missing Parts of Nonprovisional Application when he received a telephone call on September 7, 2001, from Ms. Linda Hallman of The United States Patent and Trademark Office (703-308-7638) first notifying him that the application was abandoned and inquiring about whether a response had been filed.

6. Counsel for Applicants reviewed the file and determined for the first time that a Notice to File Missing Parts was attached to the back of the Filing Receipt and determined that Applicants failed to respond to the Notice to File Missing Parts of NonProvisional Application, mailed May 30, 2000, within the time period set therein and that, therefore, the above-identified application is abandoned.

7. As a result of the discovery in paragraph 6, Counsel for Applicants immediately obtained the missing signature of inventor William M. Doane on the Declaration, as evidenced by Exhibit C.

8. On September 11, 2001, Counsel for Applicants received a "NOTICE OF ABANDONMENT UNDER 37 C.F.R. 1.53(f) OR (g)".

9. The entire delay in filing the Declaration with the missing signature from the due date for the Declaration until the filing of a grantable petition was unintentional.

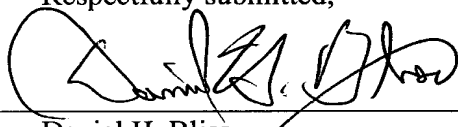
10. Petitioner will lose its rights and/or suffer irreparable damage if the application in paragraph 1 above will have become abandoned for failure to respond to the Notice in paragraph 2.

Accordingly, this Petition is being submitted to revive the patent application for unintentional abandonment of the above-identified application so that the application may proceed to examination. The undersigned attorney requests that the Petition be granted.

The Commissioner is authorized to charge the Deposit Account No. 02-2712 in the amount for the fee required under 37 C.F.R. 1.17(m) and any other fees which may be due.

Respectfully submitted,

By:


Daniel H. Bliss
Registration No.: 32,398

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Date:

September 26, 2001

Attorney Docket No.: 0209.00003